

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JAMES JOSEPH AHEARN,

Plaintiff,

v.

Case No: 2:19-cv-397-JLB-NPM

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

On November 5, 2021, the Magistrate Judge filed a Report and Recommendation (“R&R”), recommending that Plaintiff’s Motion for Attorney’s Fees Pursuant to the Equal Access to Justice Act (Doc. 35) be granted in part and denied in part. (Doc. 43.) Specifically, the Magistrate Judge recommends awarding Plaintiff \$7,852.80 in fees and \$150 in costs, but denying Plaintiff’s fee request for an unauthorized reply. (Doc. 43 at 4–5.) The Magistrate Judge also recommends granting the Commissioner’s unopposed motion to withdraw opposition (Doc. 39). (Doc. 43 at 1–2.) Neither party has objected and the time to do so has expired.


A district judge may accept, reject, or modify the magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1). In the absence of objections, a district judge is not required to review the factual findings in the report de novo, but legal conclusions are reviewed de novo even without an objection. Id.; Cooper-Houston v. S. Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993).

After an independent review of the record—and noting that no objection has been filed—the Court agrees with the R&R.

Accordingly, it is ORDERED:

1. The R&R (Doc. 43) is **ADOPTED**, and Plaintiff's Motion for Attorney's Fees (Doc. 35) is **GRANTED IN PART** and **DENIED IN PART**. The Commissioner's unopposed motion to withdraw opposition (Doc. 39) is **GRANTED**.
2. The Court awards Plaintiff \$7,852.80 in attorney's fees and \$150 in costs. The Motion (Doc. 35) is **DENIED** to the extent it seeks any greater or different relief than this Order grants.
3. If the United States Department of the Treasury determines that Mr. Ahearn does not owe a federal debt, the Government will accept his assignment of EAJA fees and pay fees directly to his counsel.
4. The Clerk is **DIRECTED** to enter judgment accordingly.

ORDERED at Fort Myers, Florida, on November 23, 2021.



JOHN L. BADALAMENTI
UNITED STATES DISTRICT JUDGE